

REMARKS/ARGUMENTS

Claims 1-3, 5-17, and 19-21 are pending. Claims 4, 6, 18, and 22-31 have been canceled without prejudice.

Claims 1, 9-10, and 12 were rejected as anticipated by U.S. Patent No. 6,986,807 to Brunk. Claims 1, 8-10, 12, and 20 were rejected as anticipated by U.S. Patent No. 3,918,578 to Cullen et al. Claims 2-4, 11, 15-16, and 21 were rejected as unpatentable over Brunk in view of U.S. Patent No. 6,124,006 to Hekal. Claims 5, 7, and 19 were rejected as unpatentable over Brunk in view of U.S. Patent Application Publication 2003/0222046 to Schenck et al. Claims 6 and 18 were rejected as unpatentable over Brunk in view of U.S. Patent No. 6,571,942 to Riemenschneider et al. Finally, Claims 13-14 were rejected as unpatentable over Brunk in view of U.S. Patent No. 6,881,286 to Drummond et al.

Applicant has amended the independent Claims 1 and 12 to include the features that (1) the top portion of the overcap includes a moisture-permeable polymer layer positioned such that moisture from the interior of the container must pass through the moisture-permeable polymer layer to reach the drying agent layer; (2) the drying agent layer comprises a polymer material having a drying agent material dispersed therein; and (3) the drying agent layer and moisture-permeable polymer layer are coextruded.

It is submitted that the cited references do not teach or suggest the overcap of independent Claim 1 or the container of independent Claim 12. Brunk discloses a desiccant bottle cap in which a packet **22** or disk-shaped insert **30** containing a desiccant material is affixed to the bottle cap. Nothing in Brunk suggests providing a drying agent layer as a polymer material having a drying agent material dispersed therein, coextruding the drying agent layer with a moisture-permeable polymer layer, and joining the drying agent layer and moisture-permeable polymer layer to a top layer to form a top portion of an overcap.

Cullen similarly does not suggest the overcap and container as claimed. Cullen discloses a desiccant end cap for a wave guide tube, having a desiccant cup **30** secured to the end cap by ultrasonic welding, solvent welding, or suitable adhesive. The cup **30** contains a desiccant **29**.

Hekal is concerned with producing a layer of a moisture-impermeable polymer **25** having a desiccant material **30** blended therein, and having channels **45** therein for controlling the migration of moisture from the exterior surface of the layer to interior locations where the entrained desiccant **30** is bound (Fig. 3, col. 10, lines 46-67, col. 11, lines 1-23). The channels are necessary because the polymer material **25** does not allow moisture to pass therethrough to reach the desiccant. Given the importance of the channels **45** to Hekal's purposes, and in view of the fact that all of Hekal's embodiments have the channel-containing polymer layer as an outer layer directly exposed to the interior of the container so that moisture in the container can access the channels (see Figs. 5, 6, 7, 8), Applicant submits that Hekal would not have suggested coextruding a drying agent layer with a moisture-permeable layer such that the drying agent layer is not an outer layer but rather is a "buried" layer as claimed.

Schenck is not concerned at all with any desiccant or drying agent and hence would not have suggested the overcap and container as claimed. Regarding the assertion in the Office Action that Schenck's EVOH layers can be construed to be the drying agent layers as claimed in Claim 5, it is noted that the EVOH layers do not comprise a polymer material having a drying agent material dispersed therein. In any event, Schenck does not remotely suggest the particular structure as claimed.

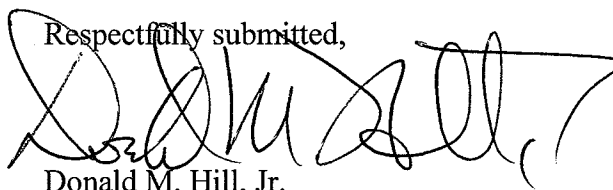
Riemenschneider likewise does not suggest the claimed structure. Riemenschneider discloses a material-treating container **20** formed generally as a cup that contains a desiccant **24** and is closed by a permeable membrane **25** such as Tyvek or permeable cellulose material. There is no suggestion of providing an overcap having a drying agent layer comprising a polymer material with a drying agent material dispersed therein, or of coextruding such a drying agent layer with a moisture-permeable layer, or of joining such a coextruded structure with a top layer to form a top portion of an overcap as claimed.

Appl. No.: 10/736,383
Amdt. dated October 3, 2006
Reply to Office Action of July 3, 2006

For the above reasons, Claims 1 and 12 are submitted to be patentable over the cited references. Claims dependent on Claims 1 and 12 are patentable for at least the same reasons. Additionally, the dependent claims define further features that are not suggested by the references. For example, Claims 3 and 16 recite that the overcap is formed from a coextruded sheet comprising the top layer, the drying agent layer, and the moisture-permeable layer. As apparent from the foregoing remarks, the cited references do not suggest an overcap formed from such a coextruded sheet.

Based on the above amendments and remarks, it is submitted that all pending claims are patentable and the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 3, 2006.